IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22572 of 2004

Between:

Harijana-Harijana Christhava Mahila Mandali, Jampani, Vemuru Mandal, Guntur District, Rep by its Joint-Secretary Mudunuri Marthamma, W/o. Yohan, aged about 40 years, R/o. Jampani, Vemuru Mandal, Guntur District.

..... PETITIONER

AND

1 The Joint Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Tenali, Guntur District.
3 The Mandal Revenue Officer, Vemuru Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in issuing the notification in R.C.No. 1204/04/K, dated 23-11s-2004 for appointment of new dealer for the Fair Price Shop NO. 21 of Jampani Village, Vemur Mandal, Guntur District without canceling the authorization of the Petitioner Mahila Mandali, is illegal, arbitrary, improper and against the principles of natural justice and consequently set-aside the said notification and direct the respondents to continue the petitioner Mahila Mandali as Fair Price Shop Dealer of Shop No. 21 of Jampani Village, Vemur Mandal, Guntur District.

Counsel for the Petitioner: MR.K.SRINIVAS

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

Petitioner is a Mahila Mandali. It challenges the notice dated 23.11.2004 issued by the second respondent inviting applications for the purpose of appointing a fair price shop dealer for Jampany village, Vemuru mandal, Guntur district. According to the petitioner, the dealership was granted in its favour way back in the year 1974 and for the sake of convenience the authorization was issued in the name of its President Smt. Deva Karunamma. It is contended that after the death of Deva Karunamma, the petitioner is running the fair price shop.

Learned counsel for the petitioner alleges that as long as the authorization in favour of Mahila Mandali is in force, the second respondent is not justified in taking steps to appoint another dealer.

Learned Government Pleader for Civil Supplies obtained instructions and placed the copies of necessary orders and records. According to him, the dealership for the fair price shop in question was granted in favour of Epuri Deva Karunamma on 21.04.2000 and not in the name of the petitioner Mahila Mandali. It is alleged that a notification was issued in view of death of the previous dealer.

The case of the petitioner proceeds on the basis that the dealership was issued in its favour and not in favour of an individual. If the petitioner was the dealer, the fact that its President died recently would not have been a ground for the second respondent to take steps to appoint another dealer. However, the record clearly discloses that the authorization was issued on 21.04.2000 in favour of Epuri Deva Karunamma. A perusal of the authorization issued in Form

E discloses that she was not described as a President of the petitioner Mahila Mandali. Once it has emerged that the previous dealer was appointed in her individual capacity, her death, naturally, entails any steps being taken to appoint another dealer. In that view of the matter, no exception can be taken to the action of the respondents or to the impugned notification.

The writ petition is accordingly dismissed. It is, however, made clear that such of the members of the petitioner Mahila Mandali, who are eligible to apply, shall also be entitled to submit their applications and the same shall be considered along with the applications of other eligible candidates. No order as to costs

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13.12.2004

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To

1 The Joint Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Tenali, Guntur District.
3 The Mandal Revenue Officer, Vemuru Mandal, Guntur District.

4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad, (OUT).

5 Two C.D. Copies.